

EXHIBIT 166

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 -----)
5 IN RE: NATIONAL) MDL No. 2804
6 PRESCRIPTION OPIATE)
7 LITIGATION) Case No.
8 -----) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES TO) Hon. Dan A. Polster
11 ALL CASES)
12 -----)

13 HIGHLY CONFIDENTIAL
14 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

15 VIDEOTAPED DEPOSITION OF
16 MARK NICASTRO
17 December 6, 2018

18 Indianapolis, Indiana

19
20
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24

1 process for you, right?

2 A. It was a daylight process, day shift
3 process.

4 Q. You didn't get orders overnight and have
5 to fill them overnight?

6 A. No. No, we only filled control drugs on
7 one shift in an eight-hour period.

8 Q. Okay. And that was during the day?

9 A. Yes.

10 Q. And you were fulfilling orders from a
11 thousand-odd stores in the Indianapolis
12 distribution center, right?

13 A. Per week, yes.

14 Q. Per week. Well, every day, right?

15 MR. HYNES: Objection.

16 BY THE WITNESS:

17 A. No, it was a thousand stores -- a little
18 over a thousand stores in total.

19 BY MR. DeROCHE:

20 Q. In total that you were servicing?

21 A. Correct.

22 Q. Right. And how many folks worked in the
23 control cage at the distribution center in
24 Indianapolis?

1 A. Approximately eight.

2 Q. And so you had eight of these pickers
3 and packers at any one time, is that correct?

4 A. Yes.

5 Q. Did they all work every day or were
6 there three or four and you spread out the shifts?

7 A. No. We only ran that department on one
8 shift, day shift, and those eight folks were our
9 controlled substance pickers and packers and
10 checkers.

11 Q. Okay. And in 2008 when you came in, how
12 long had those folks been working for CVS that were
13 working in that position?

14 MR. HYNES: Objection to form.

15 BY THE WITNESS:

16 A. I can't tell you the -- all their
17 seniority dates at that point. What I can tell you
18 is most of those folks were more tenured
19 associates. And even today I still have one -- two
20 associates in that department that are still there
21 today from when I came in in 2008.

22 BY MR. DeROCHE:

23 Q. And, so, the process that they followed
24 when they were picking these controlled substances

1 that you were then going to ship to Somerset, what
2 was the actual process that they followed?

3 Why don't you explain that to me. I'm
4 talking about 2008.

5 A. They would -- they would go through and
6 pick the orders and they would review the orders
7 for anything of unusual size.

8 These were our experts. They were in
9 the cage every single day. They picked these
10 orders every single day. And they are going to be
11 the best -- have the most knowledge as to whether
12 an order seems unusual size or pattern.

13 Q. For a particular store, in other words,
14 they had to have a knowledge of what the store had
15 ordered in the past for these thousand stores?

16 A. They had a general knowledge of how many
17 bottles they would pick for any particular store.

18 Q. I mean, you have a wide range of
19 controlled substances that would go to your stores,
20 wouldn't you?

21 A. It's a small number of items that we
22 have in our control cage.

23 Q. I'm not talking about the items. I'm
24 talking about the range of the number of orders

1 BY MR. DeROCHE:

2 Q. Were the pickers and packers provided
3 any kind of training, specific training, as to
4 suspicious order monitoring and how to flag orders?

5 MR. HYNES: Objection; asked and answered --

6 BY MR. DeROCHE:

7 Q. That you can recall.

8 MR. HYNES: -- by Mr. Elsner. Go ahead.

9 BY THE WITNESS:

10 A. We -- they were trained when they went
11 into the department by the pharmacy supervisor or
12 manager as to what to look for and then with the
13 other experienced pickers in that area.

14 So, if we had a new person go in, they
15 would, you know, learn from their -- from the --
16 what we showed them from the pharmacy supervisor or
17 manager and then from the rest of the team that was
18 in there.

19 Again, it was a very small team of, you
20 know, tenured folks that knew the process.

21 BY MR. DeROCHE:

22 Q. Was there any kind of quality control
23 that was undertaken with respect specifically to
24 the suspicious order monitoring activities of the